

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CATRINA KOLSHORN. INDIVIDUALLY,
et. al.,

Plaintiffs,

v.

No. 1:13-cv-884 KG/RHS

LIBERTY MUTUAL INSURANCE,

Defendant.

**MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

THIS MATTER came before the undersigned pursuant to an Order of Reference (Doc. 28) filed June 9, 2014¹. The trial Court directed that I submit an analysis, including findings of fact, if necessary, and a recommended disposition relative to the proposed minor settlement. I subsequently set a Fairness hearing for June 27, 2014 at 9:00 a.m. in the Pecos Courtroom of the Pete V. Domenici United States Courthouse in Albuquerque, New Mexico. I granted permission for Catrina Kolshorn and Johannes Kolshorn to appear and testify telephonically from their residence in Cincinnati, Ohio.

At the hearing, the court-appointed Guardian ad Litem, Gabrielle M. Valdez appeared personally together with defense counsel Cristina A. Adams and Plaintiffs' counsel Kevin A. Zangara.

¹ Within fourteen (14) days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant 28 U.S.C. § 636(b)(1), file written objections to these proposed findings and recommended disposition. A party must file any objections with the clerk of the district court within the fourteen (14) day period allowed if that party would like to have appellate review of the proposed findings and recommendations. If objections are not filed, appellate review will not be allowed.

The Court received the testimony of Catrina Kolshorn and Johannes Kolshorn, both clearly testifying that they fully understood and agreed with the proposed settlement. All counsel voiced their approval. I want to compliment Ms. Valdez for her thorough, cogent and considered Report which I thoroughly read and reviewed (See Doc. 32).

Upon a review of the pleadings on file in the above-captioned cause, the arguments and authorities propounded by counsel and upon my review of the report and recommendations of the Guardian ad Litem, I find that the proposed settlement is fair, reasonable and in the best interests of the minor, Arin Kolshorn and should be adopted by the trial court. I agree with the analysis submitted by Ms. Valdez including her request that certain language be incorporate into the final order of dismissal (See GAL Report, Pg. 14).

The parties and counsel have advised me that they will all waive the fourteen (14) day objection period set forth in the Order of Reference (Doc. 28). Counsel have prepared a proposed form of Order Approving Minor Settlement and Order of Dismissal With Prejudice which I will transmit to the trial court electronically upon the filing of this Report and Recommendation.

Respectfully submitted,

Handwritten signature of Robert Hayes Scott in black ink.

ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE